

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

**Wednesday, April 17, 2013
6:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Paxton Guymon
James S. Jones
Dennis Peters
Jeremy D. Lapin, P.E.
Gordon Walker

City Staff:

Larry Gardner, Planner
Shane Topham, City Attorney
Kory Solorio, Deputy City Recorder

Others Present:

Mark Kizerian
Eric Felt
Joyce Felt

1.0 **WELCOME/ACKNOWLEDGEMENTS**

Chair Bolyard called the meeting to order at 6:00 p.m.

2.0 **CITIZEN COMMENTS**

There were no citizen comments.

3.0 **PUBLIC HEARINGS**

3.1 **(Project #CU 13-005) Public comment on a request from Eric and Joyce Felt for site plan approval and conditional use approval to operate a dentist office located at 6800 South Highland Drive**

Eric Felt stated that he is looking forward to building the new dental office and being a good neighbor.

Planner Larry Gardner stated that the two properties being discussed tonight are located at 6800 South and 6814 South Highland Drive. There are currently two single-family residences on each lot which are surrounded by residential properties with commercial property to the south. A dental office located to the south was rezoned several years ago to Commercial Regional.

Mr. Gardner stated that the property lines are roughly 80 feet from the west property line and there is an eight-foot buffer between the parking lot and the residential properties to the west. He stated that there will be a solid fence between the properties per the ordinance. The site meets all parking and design-related ordinance requirements of the Residential Office Zone. The new buildings will be larger but will not be any closer to the property lines than the existing buildings.

Mr. Gardner explained that the storm drainage will be channeled into a detention basin for both lots. The drainage will be designed so that none of the water will flow into adjacent properties. He stated that Mr. Kizerian's landscaping plan includes turf and bushes. Mr. Felt's plan includes hedges, trees, and bushes. The landscaping will include a retaining wall. Both applicants have been actively involved in the design, building, and landscaping of their site.

Mr. Gardner reported that Mr. Felt is a dentist and would like conditional use and site plan approval for the building he is applying for. The building will be roughly 30 feet in height; the ordinance states that the height cannot exceed 35 feet.

Chair Bolyard opened the public hearing.

Mark Greenwood stated that the current grade has a three to four-foot elevation drop between the two properties in question. He asked if the property will have the same elevation as the property to the south and if the elevation to the right of the building will match the grade at the current dental office.

Mr. Felt reported that the 30-foot building is measured from the bottom of the property, which is below the average of the four corners of the current grade. He stated that the building will be closer to 25 feet from the average of the four corners in total height in current grade. He noted that he is planning to do excavation for the lower level.

Danette Canelli stated that her home is directly behind where the proposed building will be located. She expressed concern about stabilizing the property due to the type of soil and is concerned that her property will be damaged during construction. She also expressed concern with additional traffic driving through the neighborhood. She hopes a retaining wall will be built on the property and is concerned about the height of the building. She expressed frustration that the City would allow commercial businesses to purchase property at a lower residential price and then modify the zoning. She does not believe that commercial buildings will blend into the residential area.

Marie Canelli stated that a large building will block her view. She believes there are enough commercial buildings in commercial locations and prefers to keep the area residential.

There were no further public comments. The public hearing was closed.

3.2 (Project #CU 13-006) Public comment on a request from Mark and Trish Kizerian for site plan approval and conditional use approval to conduct rehabilitative Pilates located at 6814 South Highland Drive

Mr. Gardner identified Mark Kizerian as the owner of the property at 6814 South Highland Drive and reported that Mr. Kizerian's wife Trish operates a rehabilitative Pilates business, which requires conditional use approval. The site plan includes shared parking with Mr. Felt and shared access off of Highland Drive. Mr. Gardner stated that the building will use metal frame doors and clear wood. Both buildings will have similar artistic designs and are aesthetically attractive and meet the ordinance requirements.

Commissioner Paxton asked if the RO ordinance maximum 35 foot height allowance is permitted or if a conditional use permit is required.

Mr. Gardner clarified that the RO ordinance height allowance of 35 feet is a maximum height and does not require conditional use. He also clarified that the height restrictions for this particular building are the same as the height restrictions for residential buildings.

Mr. Gardner stated that the project meets the design criteria and received approval from the Architectural Review Commission. He noted that all technical issues will be addressed, including stabilization of the footings and foundation and that building construction will comply with all building codes.

Commissioner Holt-Tofte asked when the block wall will be constructed to separate the residential properties from the business property.

Mr. Gardner stated that fences are generally constructed toward the end of the project. He noted that security fencing will be in place during construction.

Commissioner Lapin asked if any traffic studies were conducted as part of the technical issues addressed.

Mr. Gardner stated that no traffic studies have been completed and that generally these types of businesses do not generate enough traffic to warrant a study.

Commissioner Lapin commented that he believes the nearby church affects the traffic in the residential area more than the businesses will.

Chair Bolyard opened the public hearing.

The applicant, Mark Kizerian stated that he believes the proposed building will be good for the neighborhood. He indicated that he and Mr. Felt coordinated the aesthetics of the buildings. He noted that it is in his best interest to make the buildings the best they can possibly be and stated that high end materials will be used on both buildings. Mr. Kizerian believes the new buildings will beautify the area and increase property values.

Mr. Greenwood stated that he understands Ms. Cannelli's concerns. He believes Mr. Kizerian has done an excellent job of designing the building and has taken the resident's concerns into consideration.

Danette Canelli stated that she does not consider aesthetics to be an issue with the property and prefers to have no businesses near the residential areas. She believes it is possible to develop this area into residential properties.

Commissioner Paxton asked if Ms. Canelli is aware of any way the proposed use does not comply with the RO Zone.

Ms. Canelli stated that she believes the project has met the requirements. In her opinion the City allows zoning changes in order to attract the type of businesses they want. She does not feel citizens are heard.

McCall Greenwood stated that the parking should be against the road instead of backing up to her property and asked when the public will be informed regarding the retaining wall.

Chair Bolyard stated that the public comments will be taken into account and staff will be able to answer questions as the project moves forward.

Mr. Gardner stated that the layout of the parking is due to the RO Ordinance and the design guidelines.

Chair Bolyard stated that there is an overlay guideline that works in conjunction with the ordinance and this location is considered one of the gateways into the community, which is why there is an effort to beautify and develop the area.

Mr. Gardner stated that there will be an eight-foot landscape buffer and a fence between Ms. Greenwood's property and the parking lot.

Ms. Greenwood expressed concerned about the additional traffic the businesses will bring into the area.

Marie Canelli asked if there will be lighting on the buildings at night that may disturb the residents. She expressed concern about the City allowing the buildings without taking into account the residents concerns.

Commissioner Lapin stated that this is not a hearing for a rezone and explained that the rezone has already occurred. Tonight's public hearing is only for the use of the building with the goal being to determine what can be done to ensure that any detrimental effects are mitigated. He noted that the proposed use is a permitted use for the property.

Commissioner Holt-Tofte clarified that as long as the buildings meet the Code, the City has to approve them. The Commission's job is to ensure that the building complies with the Code. She explained that the RO Zone was established before any of the current Commission Members were on the Commission. She compiled a list of all the issues the residents are concerned about and said she will get answers for them. Commissioner Holt-Tofte invited the residents to attend the upcoming meetings to get answers to their questions.

Danette Canelli expressed concern that a decision to allow the building has been made and that the residents have no input.

Commissioner Peters stated that Ms. Canelli's remarks were on public record and would be taken into consideration by the Commission.

Mr. Felt stated that the parking lot will be designed and landscaped in a way that the residents will not be able to see any cars and space will be left between the parking lot and their property. In addition, there will not be any view down into properties.

There were no further public comments. The public hearing was closed.

4.0 **ADJOURNMENT**

***Motion:** Commissioner Walker moved to adjourn. The motion was seconded by Commissioner Jones and passed unanimously on a voice vote. The Planning Commission meeting adjourned at 6:42 p.m.*

Minutes approved: 06/20/2013